

REMARKS

Claims 1 through 52 are pending in this application. Claims 1 through 52 stand rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims 16-34 of U.S. Patent No. 6,609,186 (“Veres”) in view of U.S. Patent 5,732,275 (“Kullick”). Claims 1 through 52 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent 6,134,602 (“Engstrom”) in view of Kullick.

Applicants’ undersigned representative respectfully requests reconsideration of the rejections in view of the following remarks.

Telephonic Conference

On July 29, 2004, Applicants’ undersigned representative discussed the present application and pending rejections with Examiner Fowlkes. During that conference, Applicants’ undersigned representative explained that the Engstrom reference cannot be combined in a rejection under 35 U.S.C. § 103(a) of the present application. Examiner Fowlkes agreed to reconsider the pending rejections upon receipt of a written response.

Applicants’ undersigned representative wishes to thank Examiner Fowlkes for discussing the pending rejections and for his continued consideration of this application.

Double Patenting Rejection

The double patenting rejection alleges the pending claims are obvious over Veres. Veres, and the present application, are both assigned to Microsoft Corporation. A terminal disclaimer in compliance with 37 CFR 1.321(c) is filed herewith to overcome the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

Engstrom Cannot Be Combined In A § 103(a) Rejection

Under 35 U.S.C. § 103(c), a reference that qualifies as prior art under § 102(e) “shall not preclude patentability . . . where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” The Engstrom reference qualifies as prior art under 35

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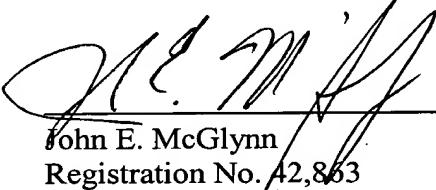
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U.S.C. § 102(e) and is assigned to Microsoft Corporation. The present application is likewise assigned to Microsoft Corporation. (*See Assignment Recordation transmitted April 26, 2001, and Assignment recorded April 26, 2001 at reel/frame 011766/0347.*) Therefore, under 35 U.S.C. § 103(c), the Engstrom reference cannot be combined in a rejection under 103(a) of the present application. Accordingly, Applicant's undersigned representative respectfully requests withdrawal of all of the pending rejections under 35 U.S.C. § 103(a).

CONCLUSION

For all of the foregoing reasons, Applicant's undersigned representative respectfully requests reconsideration of the outstanding office action and issuance of a Notice of Allowance.

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